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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D. C. 20554

In the Matter of ) MM Docket No. 94-14  
 )  
Amendment of Section 73.202(b), ) RM-8426  
Table of Allotments, )  
FM Broadcast Stations )  
(Van Wert, Ohio) )

To: Chief, Allocations Branch

**COMMENTS AND COUNTERPROPOSAL**

Janice M. Scantland ("Scantland"), permittee of a new commercial FM broadcast station at Richwood, Ohio, hereby submits her comments and counterproposal in response to the Commission's Notice of Proposed Rulemaking, 9 FCC Rcd 1031 (1994) ("Notice"), in the above-captioned proceeding. As set forth below, Scantland respectfully requests that the following change be made to the FM Table of Allotments in lieu of the change proposed in the Notice:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Richwood, OH	282A	282B1

**Discussion**

Van Wert Radio currently has a proposal pending at the Commission to amend the FM Table of Allotments by allotting Channel 282A to Van Wert, Ohio. This allotment can be accomplished in accordance with the Commission's rules by imposing a site restriction of 12.5 kilometers (7.7 miles) east of Van Wert to avoid a short-spacing to Station WLBC-FM, Channel 281B, Muncie, Indiana.

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Scantland objects to the proposed allotment because it does not comply with the minimum distance separation requirements with respect to the allotment coordinates for Channel 282A at Richwood, Ohio. Although the Van Wert reference coordinates satisfy the mileage separation requirements with respect to the transmitter site authorized in Scantland's construction permit (File No. BPH-920113MC) in order to avoid unduly restricting the location of Scantland's transmitter site, Section 73.208 of the Commission's rules should be interpreted so as to require the proposed allotment to meet the minimum distance separation requirements with respect to the allotment coordinates for Channel 282A at Richwood. Indeed, the mere imposition of a condition that final licensing of the Van Wert facility may be delayed pending the issuance of a license for Channel 282A at Richwood is insufficient to protect Scantland from whatever exigencies may arise concerning her presently authorized site because the allotment proposed in the Notice would eliminate any potential site to the northwest of her authorized site.

Rather than allotting Channel 282A to Van Wert, Scantland offers as a counterproposal the substitution of Channel 282B1 for Channel 282A at Richwood, Ohio, and the modification of the Richwood construction permit (BPH-920113MC) to specify operations on the upgraded channel. The modification of the Richwood construction permit can be accomplished at a site to the northwest of the presently authorized site.<sup>1</sup> Operation on Channel 282B1 from

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<sup>1</sup> See attached engineering statement confirming that the proposed substitution would be in compliance with all applicable Commission rules.

Richwood will provide the requisite city-grade signal to all of Richwood.

Scantland commits to file for her upgrade promptly upon grant of the allotment, and to construct the new facilities promptly upon grant of her application for a construction permit.

WHEREFORE, In light of the foregoing, Janice M. Scantland respectfully submits that the Commission should accept and adopt this counterproposal.

JANICE M. SCANTLAND

By   
Dennis F. Begley  
Andrew S. Kersting

Her Counsel

Reddy, Begley & Martin  
1001 22nd Street, N.W.  
Suite 350  
Washington, D.C. 20037

April 25, 1994

**CERTIFICATE OF SERVICE**

I, Andrew S. Kersting, hereby certify that on this 25th day of April, 1994, a copy of the foregoing **COMMENTS AND COUNTERPROPOSAL** was mailed first class, postage pre-paid, to the following:

Ms. Leslie K. Shapiro\*  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 8313  
Washington, D.C. 20554

Jerrold Miller, Esquire  
Miller & Miller, P.C.  
P.O. Box 33003  
Washington, D.C. 20033  
Counsel for Van Wert Radio

  
Andrew S. Kersting

\* Hand Delivered

04/25/94

16:44

301 590 9757

04/25/94 15:44

301 590 9757

MULLANEY ENGR.

02

JOHN J. MULLANEY  
JOHN H. MULLANEY, P.E.

**MULLANEY ENGINEERING, INC.**

9049 SHADY GROVE COURT  
GAITHERSBURG, MD 20877

301 921-0115

**ENGINEERING EXHIBIT RM:**

**JANICE M. SCANTLAND  
RICHWOOD, OHIO  
SUBSTITUTION OF FM CHANNEL 282B1 FOR 282A  
COUNTERPROPOSAL TO  
MM DOCKET 94-14 - VAN WERT, OHIO**

**APRIL 25, 1994**

**ENGINEERING STATEMENT IN SUPPORT OF A  
PETITION FOR RULE MAKING  
TO AMEND  
THE FM TABLE OF ASSIGNMENTS**

**MULLANEY ENGINEERING, INC.****ENGINEERING EXHIBIT RM:**

**JANICE M. SCANTLAND  
RICHWOOD, OHIO  
SUBSTITUTION OF FM CHANNEL 282B1 FOR 282A  
COUNTERPROPOSAL TO  
MM DOCKET 94-14 - VAN WERT, OHIO**

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for Richwood, Ohio.
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**MULLANEY ENGINEERING, INC.****DECLARATION**

I, John J. Mullaney, declare and state that I am a graduate electrical engineer with a B.E.E. and my qualifications are known to the Federal Communications Commission, and that I am an engineer in the firm of Mullaney Engineering, Inc., and that firm has been retained by Janice M. Scantland to prepare an engineering statement in support of a Petition to Amend the FM Table of Assignments.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

  
John J. Mullaney

Executed on the 25th day of April 1994.

**MULLANEY ENGINEERING, INC.****ENGINEERING EXHIBIT RM:**

**JANICE M. SCANTLAND  
RICHWOOD, OHIO  
SUBSTITUTION OF FM CHANNEL 282B1 FOR 282A  
COUNTERPROPOSAL TO  
MM DOCKET 94-14 - VAN WERT, OHIO**

**NARRATIVE STATEMENT:****I. GENERAL:**

This engineering statement has been prepared on behalf of Janice M. Scantland. The purpose of this statement is to support a request that the FM Table of Assignments be amended to substitute Ch. 282B1 for 282A at Richwood, Ohio. The Community of Richwood, OH is located in Union County and has a 1990 population of 2,186 persons. Richwood has no other local aural service licensed to it.

This proposal is a counterproposal to MM Docket 94-14 involving the pending request of Van Wert Radio to allot Ch. 282A to Van Wert, Ohio. The Community of Van Wert is located in Van Wert County and has a 1990 population of 10,891 persons. Van Wert has one AM and one FM aural service licensed to it.

It should be noted that both locations are within 320 kilometers (199 miles) of a U.S. Border and, therefore, Canadian concurrence is required.



Janice M. Scantland  
Ch. 282B1 - Richwood, OH

MULLANEY ENGINEERING, INC.

## II. ENGINEERING DISCUSSION:

### A. Proposed Site:

The following geographic coordinates are for a special reference point locate approximately 20.9 kilometers west of Richwood:

Latitude: 40° 24' 41"

Longitude: 83° 32' 41"

The proposed site will provide an unobstructed view of the City of License, Richwood, OH, and is located close enough to serve the entire Community with the required 3.16 mV/M contour.

### B. Channel Allocation Study:

Figure 1 is a Channel Allocation Study from the Special B1 Reference Point for Richwood, OH, proposed herein which indicates the required separation in kilometers to all known Licenses, Construction Permits, Open Allocations, pending Applications, and pending Rule Makings. From this study it can be determined that the proposed special reference point exceeds all of the minimum separations to everything except the proposed allotment of 282A at Van Wert, OH.

Figure 1-A is a map illustrating the allowable site area in which Channel 282B1 can be located. It shows the special reference point proposed herein and the hypothetical city grade contour which extends a distance of 23.2 kilometers.

The map also illustrates the location of the original 282A reference point for Richwood as well as the CP site authorized for Scantland.

Janice M. Scantland  
Ch. 282B1 - Richwood, OH

MULLANEY ENGINEERING, INC.

C. Population Analysis:

A population analysis was made to determine the potential 60 dBu service population:

Richwood	282A	69,141 persons
	282B1	148,569

Van Wert	282A	65,391
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From the above analysis, it can be seen that the substitution at Richwood will serve 83,178 more persons than the Van Wert proposal and therefore, the substitution of 282B1 at Richwood will better serve the public interest.


III. SUMMARY:

Janice M. Scantland requests that the FM Table of Assignments be amended to substitute FM Channel 282B1 for 282A at Richwood, OH.

City	Present	Proposed
Richwood, OH	282A	282B1
Van Wert, OH	255B	255B

Janice M. Scantland believes that the proposed allotment will serve the Public Interest and will promptly file an application should 282B1 be allotted to Richwood.

April 25, 1994.

  
John J. Mullaney

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\*\*\*\*\* FM CHANNEL STUDY NO. 1 - MULLANEY ENGINEERING, INC. GAITHERSBURG, MARYLAND - 25-APR-94 15:52:40 \*\*\*\*\*  
 \*\*\*\*\* LAST UPDATE: 940414 \*\*\*\*\*

NEW	282 B1	FR	POLARIZATION	ERP (KW)	HAAT	RCANSL
RICHWOOD OH	US			HOR PLN	BN TILT	(METER)
40.2441	83.3241	(U.MSS)	HORIZONTAL	25.000	0.000	100.0
			VERTICAL	25.000	0.000	100.0

THE FOLLOWING CONTOURS ARE CALCULATED USING:

CALCULATED HAAT FROM TOPO DATA BASE

ERP= 25.000 (KW) 14.0 (DBK) HAAT= 100.0 (METERS)

INTERFERING	DOMESTIC	CANADIAN
DBU	KM	DBU
CD CHANNEL ( 40.0)	113.6	(34.0) 130.6
1ST ADJACENT ( 54.0)	60.2	(48.0) 59.0
2ND ADJACENT ( 80.0)	12.9	(74.0) 10.2
3RD ADJACENT (100.0)	4.1	(94.0) 3.2
PROTECTED ( 60.0)	39.1	(54.0) 50.8
CITY GRADE ( 70.0)	23.2	

HAAT	HAAT	HAAT	CONTOURS (KM)
DEGREES	(METERS)	(FEET)	70 DBU 60 DBU 54 DBU
0.0	127.8	419.2	25.9 43.0 55.3
45.0	128.8	422.6	26.0 43.2 55.5
90.0	129.8	425.8	26.0 43.3 55.6
135.0	118.7	389.3	25.1 41.9 54.0
180.0	101.0	331.2	23.3 39.2 51.0
225.0	51.1	167.5	16.6 28.8 39.3
270.0	50.2	164.8	16.4 28.6 39.0
315.0	92.7	304.2	22.4 37.8 49.4
AVERAGE	100.0	328.1	23.2 39.1 50.8

EST SITE ELEVATION : 323.1 m. 1060.0 ft.

EST RAD CENTER AGL : 110.6 m. 362.7 ft.

RAD CENTER A.M.S.L.: 433.7 m. 1422.7 ft.

\*\*\*\*\*  
 \*\*\*THE CANADIAN BORDER IS 158.8 KM ON A BEARING OF 26.9 DEG. TRUE\*\*\*  
 \*\*\*\*\*

FROM	TO	CALL	STS	FILE NUMBER	CITY	ST C	(D.MSS)	REL CHN	ERP (KW)	HAAT D	I-CON	P-CON	IR	IC	REZLT		
													DIST	RSEP	RSEP	IR	IC
													(KM)	(KM)	(KM)	(KM)	(KM)
17.2	197.4	WTFM	LIC	BLH850715KW	Tiffin	OH	A 41.0820	83.1445	3RD	279B	50.H	50.V	131		84.6	71.	
108.0	288.4	NEW	APP	BPH911230MA	Westervil	OH	A 40.1404	82.5020	2ND	280A	4.3H	4.3V	118E		63.1	48.	
108.0	288.4	NEW	APP	BPH911230MB	Westervil	OH	A 40.1404	82.5020	2ND	280A	5.H	5.V	109E		63.1	48.	
108.0	288.4	NEW	APP	BPH911230MC	Westervil	OH	A 40.1404	82.5020	2ND	280A	2.50H	2.50V	109		63.1	48.	
108.0	288.4	NEW	APP	BPH911231MA	Westervil	OH	A 40.1404	82.5020	2ND	280A	6.H	6.V	100D		63.1	48.	
109.6	290.2	NEW	APP	BPH911231MC	Westervil	OH	A 40.1133	82.4507	2ND	280A	6.0H	6.0V	100		71.6	48.	
108.0	288.4	VAC			Westervil	OH	A 40.1404	82.5020	2ND	280A	H	V	0		63.1	48.	
A	165.9	346.2	WPAYFM	LIC	BLH890612KC	Portsmouth	OH	A 38.4320	83.0005	1ST	281C	100.H	100.V	305		193.3	193.
B	260.4	79.2	WRCFM	LIC	BLH5019	Muncie	IN	A 40.0938	85.2242	1ST	281B	50.H	50.V	128		158.4	145.
	54.4	235.5	WDM	LIC	BLH930222KD	Cleveland	OH	A 41.2245	81.4312	1ST	281D	11.H	11.V	323		187.6	145.
	220.9	40.1	WML	LIC	BLH910829KG	Harrison	OH	A 39.1502	84.5010	CD	282A	3.0H	3.0V	100		169.8	143.
	83.5	265.4	WELA	LIC	BLH790529AB	East Live	OH	A 40.3748	80.3610	CD	282B	50.H	50.V	101D		250.5	211.
	83.5	265.4	WELA	APP	BPH900626IC	East Live	OH	A 40.3748	80.3610	CD	282B	50.0H	50.0V	150D		250.5	211.
	102.1	282.3	NEW	CP	BPH920113MC	Richwood	OH	A 40.2152	83.1534	CD	282A	2.5H	2.5V	100		24.8	143.
	85.2	265.4	USE			Richwood	OH	A 40.2536	83.1800	CD	282A	H	V	0		20.8	143.
	305.3	124.7	ADD	RMB426	Van Wert	OH	A 40.5309	84.2617	CD	282A	H	V	0		92.1	143.	
*****COMMENT: Site Restricted 12.5KM East																	
	8.7	189.0	WOMC	LIC	BLH6899	Detroit	MI	A 42.2825	83.0456	CD	282B	190.H	190.V	110		231.8	211.
D	72.5	253.5	WOKT	LIC	BLH790215AM	Wooster	OH	A 40.4731	81.5417	1ST	283B	52.H	52.V	101		145.1	145.
	216.7	36.2	WTUE	LIC	BLH7790	Dayton	OH	A 39.4319	84.1236	2ND	284B	50.H	50.V	152		95.3	71.
	121.0	301.5	WCVO	LIC	BLH5618	Beahm	OH	A 40.0416	82.4835	3RD	285A	3.00H	3.00V	91		73.1	48.
C	307.4	127.0	WLSR	LIC	BLH4974	Lima	OH	A 40.4321	84.0504	3RD	285A	3.00H	3.00V	67		57.3	48.

CHANNEL 282B1 - RICHWOOD, OHIO  
 JANICE M. SCANTLAND / RICHWOOD, OHIO  
 SUBSTITUTION OF FM CHANNEL 282B1 FOR 282A  
 MM DOCKET 94-14 - VAN WERT, OHIO

MULLANEY ENGINEERING, INC.  
 GAITHERSBURG, MARYLAND  
 FIGURE 1  
 APRIL 1994

